

Message Text

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R 241726Z FEB 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 5906
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USMISSION NATO BRUSSELS
USMISSION GENEVA

C O N F I D E N T I A L SECTION 01 OF 03 BONN 03409

E.O. 11652: GDS
TAGS: PFOR, PGOV, US, UK, FR, WB, GW, UNEP
SUBJECT: POSSIBLE SOVIET/EAST EUROPEAN PROTEST AT UNEP
MEETING (WASHINGTON, MARCH 1-9)

REFS: (A) BONN 381; (B) BONN 21469 (76)

BEGIN SUMMARY: THE FRG HAS REQUESTED ALLIED SUPPORT FOR
REJECTING A POSSIBLE SOVIET/EAST EUROPEAN PROTEST
ABOUT THE PRESENCE OF OFFICIALS FROM THE BERLIN-LOCATED
FEDERAL ENVIRONMENTAL AGENCY AND FEDERAL HEALTH OFFICE
AT THE MARCH 1-9 UNEP EXPERTS MEETING ON THE OZONE LAYER
IN WASHINGTON. REQUEST DEPARTMENT COORDINATE RESPONSE
WITH UK, FRENCH, AND FRG EMBASSIES ALONG LINES IN PARA
5 BELOW. END SUMMARY.

1. IN FEBRUARY 15 BONN GROUP MEETING, FRG REP (VON
ARNIM) INFORMED ALLIES THAT A SOVIET/EAST EUROPEAN
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PROTEST CAN BE ANTICIPATED OVER THE PRESENCE OF OFFICIALS
FROM THE BERLIN-LOCATED FEDERAL ENVIRONMENTAL AGENCY
(FEA) AND THE FEDERAL HEALTH OFFICE (FHO) ON THE FRG
DELEGATION AT A FORTHCOMING UN ENVIRONMENTAL
PROGRAM (UNEP) MEETING. THE MEETING IN QUESTION IS THE
UNEP EXPERTS MEETING ON THE OZONE LAYER SCHEDULED TO
TAKE PLACE IN WASHINGTON, D.C. ON MARCH 1-9.

2. VON ARNIM REPORTED THAT THE FRG PLANNED TO SEND A FOUR-PERSON DELEGATION TO THE MEETING INCLUDING DR. ULRICE (FEDERAL RESEARCH AND TECHNOLOGY MINISTRY), PROF. DR. EHALT (JUELICH RESEARCH CENTER), DR. JOST (FEA), AND PROF. DR. UELEKE (FHO).

3. VON ARNIM REQUESTED ALLIED SUPPORT IN REJECTING ANY PROTEST.

4. ALLIED REPS AGREED THAT ALLIED DELEGATIONS AT THE MEETING SHOULD BE PREPARED TO RESPOND ON-THE-SPOT TO A PROTEST, AND IT WAS AGREED FURTHER TO RECOMMEND USE OF EXPANDED VERSION OF THE CONTINGENCY LANGUAGE DEVELOPED BY THE BONN GROUP FOR THE JANUARY 18-21 ROME UNEP-FAO SEMINAR (REF A). ADDITIONAL CONTINGENCY RESPONSES WOULD BE DRAWN FROM THE CONTINGENCY PLAN FOR THE WORLD BROADCAST SATELLITE CONFERENCE (REF B).

5. AD REF AGREEMENT WAS REACHED ON FEBRUARY 23 TO THE FOLLOWING CONTINGENCY RESPONSES:

BEGIN TEXT:

A. STATEMENT CONTESTING THE LEGALITY OF THE LOCATION IN THE WESTERN SECTORS OF BERLIN (WSB) OF THE FEA/FHO

-- THE ESTABLISHMENT OF THE FEA/FHO IN THE WSB WAS CONFIDENTIAL

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APPROVED BY THE BRITISH, FRENCH AND AMERICAN AUTHORITIES ACTING ON THE BASIS OF THEIR SUPREME AUTHORITY. THESE AUTHORITIES ARE SATISFIED THAT THE FEA/FHO DOES NOT PERFORM IN THE WSB ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE WSB. NEITHER THE LOCATION NOR THE ACTIVITIES OF THAT AGENCY/OFFICE IN THE WSB, THEREFORE, CONTRAVENE ANY OF THE PROVISIONS OF THE QUADRIPARTITE AGREEMENT (QA).

(FOR USE IF NECESSARY, FOLLOWING A SOVIET STATEMENT THAT THE WSB SHALL NOT BE GOVERNED BY THE FRG:)

THE STATEMENT BY THE SOVIET DELEGATE CONTAINS AN INCOMPLETE AND CONSEQUENTLY MISLEADING REFERENCE TO THE QA. THE RELEVANT PASSAGE OF THAT AGREEMENT TO WHICH THE SOVIET REPRESENTATIVE REFERRED PROVIDES THAT THE TIES BETWEEN THE WSB AND THE FRG WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE

FRG AND NOT TO BE GOVERNED BY IT.

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B. STATEMENTS EVOKING QA BY NON- SOVIET EAST EUROPEAN
STATES

-- REGARDING OTHER COMMUNICATIONS ON THIS SUBJECT, I
WOULD LIKE TO STATE THAT STATES WHICH ARE NOT PARTIES
TO THE QA ARE NOT COMPETENT TO COMMENT AUTHORITATIVELY
ON ITS PROVISIONS.

C. REFERENCE TO "THE QA ON WEST BERLIN"

-- THE DELEGATE OF . . . HAS REFERRED INCORRECTLY TO
THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 AS
"THE QUADRIPARTITE AGREEMENT ON WEST BERLIN." I WISH
TO POINT OUT THAT THE QA, WHICH WAS SIGNED AT BERLIN ON
3 SEPTEMBER, 1971, APPLIES TO THE WHOLE OF BERLIN.
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D. STATEMENT THAT THE INCLUSION OF A RESIDENT OF THE WSB IN THE FRG DELEGATION IS CONTRARY TO THE QA AND ILLEGAL BECAUSE THE FEA/FHO IS ILLEGALLY SITUATED IN THE WSB.

-- (BEGIN WITH TEXT IN PARAGRAPH A ABOVE.) FURTHERMORE, THERE IS NOTHING IN THE QA WHICH SUPPORTS THE CONTENTION THAT RESIDENTS OF THE WSB MAY NOT BE INCLUDED IN FRG DELEGATIONS TO INTERNATIONAL CONFERENCES; IN FACT ANNEX IV OF THE QA STIPULATES THAT, PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, THE FRG MAY REPRESENT THE INTERESTS OF THE WSB IN INTERNATIONAL CONFERENCES AND THAT WSB RESIDENTS MAY PARTICIPATE JOINTLY WITH PARTICIPANTS FROM THE FRG IN INTERNATIONAL EXCHANGES.

E. REQUEST THAT WSB PARTICIPANTS BE LISTED SEPARATELY FROM MEMBERS OF THE FRG DELEGATION AND/OR THAT THE INDICATION "IN ACCORDANCE WITH THE QA" IS REQUIRED

-- ANNEX IV OF THE QA STATES THAT, PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, PERMANENT RESIDENTS OF THE WSB MAY PARTICIPATE JOINTLY WITH PARTICIPANTS FROM THE FRG IN INTERNATIONAL EXCHANGES AND EXHIBITIONS. THERE IS THEREFORE NO REASON WHY SUCH MEMBERS OF THE FRG DELEGATION SHOULD BE LISTED SEPARATELY OR DIFFERENTLY. IT IS MOREOVER FOR THE FRG ALONE TO DECIDE ON THE LISTING OF ITS DELEGATION.

F. COMMUNICATION ASSERTING THAT SINCE MATTERS OF SECURITY AND STATUS ARE BEING DEALT WITH BY THE CONFERENCE, THE FRG MAY NOT, UNDER THE TERMS OF THE QA, REPRESENT THE INTERESTS OF THE WSB

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-- AS NOTED IN THE QA, THE THREE POWERS CONTINUE TO MAINTAIN THEIR RIGHTS AND RESPONSIBILITIES RELATING TO THE REPRESENTATION ABROAD OF THE INTERESTS OF THE WSB. SUBJECT TO THEIR RIGHTS AND RESPONSIBILITIES THE THREE POWERS LONG AGO AUTHORIZED THE FRG TO REPRESENT THE INTERESTS OF THE WSB IN INTERNATIONAL ORGANIZATIONS AND CONFERENCES. WITH RESPECT TO FRG REPRESENTATION OF WSB INTERESTS AT THE PRESENT

MEETING, THE THREE POWERS IN THE EXERCISE OF THEIR
SUPREME AUTHORITY OVER THE WSB CONTINUE TO ENSURE THAT
MATTERS OF SECURITY AND STATUS ARE NOT THEREBY
AFFECTED. THE REPRESENTATION BY THE FRG OF THE INTER-
ESTS OF THE WSB AT THE PRESENT MEETING IS THUS IN
COMPLETE CONFORMITY WITH THE QA.

END TEXT.

6. THE FRG WILL BE PREPARED TO MAKE THE FOLLOWING
STATEMENT IN SUPPORT OF THE ALLIED RESPONSE:

BEGIN TEXT:

DECLARATION ON BEHALF OF THE FEDERAL REPUBLIC OF GERMANY:

A) INTRODUCTION

B) THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY SHARES THE POSITION SET OUT IN THE DECLARATION
OF THE DELEGATION OF (U.S., F., UK) MADE ON BEHALF OF
THE THREE POWERS. IT REGRETS THE ATTEMPTS OF ... TO

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INTERFERE WITH THE APPOINTMENT OF MR. . . . AS A MEMBER OF THE DELEGATION OF THE FEDERAL REPUBLIC OF GERMANY TO THE SEMINAR, WHICH AS A MATTER OF PRINCIPLE IS FOR THE FEDERAL GOVERNMENT ALONE TO MAKE.

C) MOREOVER THE FEDERAL GOVERNMENT IS OF THE VIEW THAT IT IS THE TASK OF THIS SEMINAR TO PROMOTE INTERNATIONAL COOPERATION IN THE FIELD OF RESEARCH ON THE OZONE LAYER AND NOT TO DISCUSS POLITICAL MATTERS WHICH ARE BEYOND THE SCOPE OF THIS ORGANIZATION. MY GOVERNMENT THEREFORE REGRETS THAT THE COOPERATION WITHIN THE FRAMEWORK OF THIS SEMINAR AND MOREOVER WITHIN UNEP IS HAMPERED BY SUCH POLITICALLY MOTIVATED DECLARATIONS.

END TEXT.

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7. DELEGATIONS IN WASHINGTON WOULD BE EXPECTED TO MODIFY THE TEXTS AS NECESSARY TO MEET SPECIFIC CIRCUMSTANCES.

8. ACTION REQUESTED: RECOMMEND THAT DEPARTMENT APPROVE THE CONTINGENCY GUIDANCE IN PARA 5 ABOVE AND, IN COORDINATION WITH UK, FRENCH, AND FRG EMBASSIES, TO BRIEF U.S. DELEGATION TO JOIN WITH OTHER ALLIED DELEGATIONS IN RESPONDING AS REQUIRED TO SOVIET/EE PROTESTS AT THE MARCH 1-9 WASHINGTON UNEP MEETING.
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